



Northern Ireland
Assembly

Justice Bill

Notice of Amendments tabled on
10 June 2015 for Further Consideration Stage

Clause 8, Page 5, Line 16

After 'justice' insert ' , with the presumption of exemption from giving evidence on oath to a vulnerable witness; a victim of rape or a violent sexual assault unless deemed that exceptional circumstances exist'

Mr Raymond McCartney

Mr Seán Lynch

Mr Chris Hazzard

New Clause

After clause 45 insert -

'Criminal records: naming of assets in public ownership

45A.—(1) No one with a criminal record who has had a custodial sentence of at least two years can have any asset in public ownership named in their honour.

(2) The Department shall prescribe by regulations, within six months of Royal Assent of this Act, a system whereby its agencies advise public authorities on request whether this is the case in respect of any individual under consideration of being so honoured.'

Mr Edwin Poots

Mr Paul Givan

New Clause

After clause 89 insert -

'Sentencing for Violent Offences against Older People

89A.—(1) This section applies where an individual is convicted of a violent offence and that individual was aged 18 or over when the offence was committed.

(2) The court shall impose a custodial sentence for a term of at least seven years (with or without a fine) unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so.

(3) For the purposes of this section “violent offence” means an offence which leads or is intended or likely to lead to the death of a person aged 65 years or more or to physical injury to a person aged 65 years or more and includes an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).

(4) If there are exceptional circumstances which justify—

(a) the imposition of a lesser sentence than that provided for under subsection (2), or

(b) the exercise by the court of its powers under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968,

the court shall state in open court that it is of the opinion that such exceptional circumstances exist and the reasons for that opinion.

(5) Where subsection (4) applies the Chief Clerk shall record both the opinion of the court that exceptional circumstances exist and the reasons stated in open court which justify either the imposition of a lesser sentence or the exercise of its powers under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 as the case may be.

(6) For the purposes of subsection (2) “custodial sentence” shall not include a sentence in relation to which the court has made an order under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968.

(7) For the avoidance of doubt, an offence falling within the definition of subsection (3) is a violent offence for the purposes of this section whether or not there is evidence that any individual who is convicted of such an offence knew or suspected that any person who dies or sustains physical injury, or any person who is intended or likely to die or sustain physical injury, is aged 65 years or more.

(8) In section 36 (reviews of sentencing) of the Criminal Justice Act 1988 in subsection (9)(d) after “2015” insert the words—

“and a sentence required to be imposed by virtue of section 89A of the Justice Bill 2015”.

Mr Edwin Poots